



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

CRS
Docket No: 7048-99
22 March 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 4 March 1985 at age 24. The record reflects that you received nonjudicial punishment for drunk driving on 6 August 1985. On 13 October 1985 you were involved in an altercation and fractured your right ankle. Subsequently, you received two more nonjudicial punishments. The offenses included use of marijuana, failure to obey a lawful order, and drunk driving.

On 12 November 1986 the commanding officer recommended that you be separated with an other than honorable discharge by reason of misconduct due to drug abuse, commission of a serious offense, and a pattern of misconduct. When informed of the recommendation, you elected to waive the right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and you were discharged with an other than honorable discharge on 16 January 1987.

In its review of your application the Board carefully weighed all

potentially mitigating factors, such as your youth and immaturity and the contention that you should have received a medical discharge. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge or change the reason for discharge, given your three disciplinary actions. In this regard, there is no evidence in the record, and you submitted none, to show that the ankle injury qualified you for a medical discharge or physical disability retirement. Even if it did, disciplinary processing takes priority over processing for a medical discharge or disability retirement. Therefore, the Board concluded that no change to the discharge is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director